



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure #5.000

### Prison Industries Enhancement Certification Program (PIECP)

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105; 25-13-101, <i>et seq.</i> 7-16-205	<b>Effective Date:</b> January 1, 2012 <b>Revision/Review History:</b> 04/11/03
<b>Cross Reference of Policy:</b>	<b>Summary of Revision/Review:</b> Revises existing WDOC regulations to create a concise policy and procedure addressing all aspects of PIECP.  <b>Supersedes Existing Policy :</b> P&P #5.001, <i>PIE Program Work Projects – Inmate Selection and Compensation</i> , dated 12/1/05; P&P #5.002, <i>PIECP Implementation Checklist</i> , dated 4/11/03; P&P #5.003, <i>PICEP Shutdown</i> , dated 4/11/03
<b>Approved:</b>  R.O. Lampert Robert O. Lampert, Director  10-28-11 Date	

**APPROVED FOR INMATE DISTRIBUTION**

#### REFERENCE

##### 1. ATTACHMENTS

- A. WDOC Form #516, *Wyoming Correctional Industries Voluntary Work Agreement*

##### 2. OTHER – NONE NOTED



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## I. PURPOSE

- A. **Operation and Administration of Prison Industries Enhancement Certification Program (PIECP).** The purpose of this policy is to establish guidelines directing the operation and administration of the Wyoming Department of Corrections (WDOC) Prison Industry Enhancement Certification Program (PIECP) in accordance with federal and state requirements.

## II. POLICY

- A. **General Policy.** It is the policy of the WDOC to provide sufficient work and training opportunities to ensure eligible inmates are productively involved in work and training programs. As such, this policy authorizes the WDOC to pursue designation of qualified inmate programs as PIECP through the U.S. Department of Justice, Bureau of Justice Assistance.
1. Certification by the Bureau of Justice Assistance will allow WDOC to engage in business partnerships with private industry for the manufacture of prisoner-made goods and allow exemption from restrictions on the sale of those goods through interstate commerce.
- B. **Production and Marketing of Inmate Goods.** It is the policy of the WDOC that Correctional Industries, in consultation with the Correctional Industries Advisory Board, is delegated the authority to establish agreements with private businesses, subject to the Director's approval, to accomplish the production and/or marketing of goods produced by inmates.

## III. DEFINITIONS

- A. **Compensation:** *(For this policy only.)* Payment to an inmate while working for a PIECP Cost Accounting Center distributed in accordance with Wyo. Stat. § 25-13-107.
- B. **Correctional Industries Program Manager:** The WDOC staff member assigned to have administrative oversight of the Prison Industry Enhancement Certification Program (PIECP) and other correctional industry programs and activities.
- C. **Cost Accounting Center (CAC):** A distinct production operation unit within the Correctional Industries system, which is managed as a cost center or separate account entity under the Prison Industries Enhancement Certification Program (PIECP).



- D. Deductions:** *(For this policy only.)* Amounts deducted from gross wages, as authorized by Wyo. Stat. § 25-13-107, which do not go into inmate funds or mandatory savings.
- E. Federal Minimum Wage:** The lowest possible wage that can be paid to private sector employees under the Fair Labor Standards Act.
- F. Gross Wages:** *(For this policy only.)* All money earned for the total number of hours worked by an inmate who has been employed in a PIECP/CAC at any time during the pay period.
- G. Inmate Funds:** *(For this policy only.)* Inmates' personal money in the care and custody of the Wyoming Department of Corrections managed by the department, other than funds held in mandatory savings under this program.
- H. Job Description:** *(For this policy only.)* A written position description developed for each potential inmate work assignment, to be utilized by PIECP and based on the dictionary of occupation titles (DOT) which outlines the major duties of the position and identifies it with the most appropriate standard occupational classification (SOC) listing.
- I. Locality:** *(For this policy only.)* The geographic area impacted by the presence of a Prison Industries Enhancement Certification Program Cost Accounting Center.
- J. Mandatory Savings:** *(For this policy only.)* Amounts deposited into a non-interest bearing savings account (trust account), pursuant to Wyo. Stat. § 25-13-107, up to \$2,500, based upon fifteen percent (15%) of the inmate's gross wages earned while participating in Prison Industries Enhancement Certification Program.
- K. Net Pay:** *(For this policy only.)* The inmate's portion of gross wages as determined by Wyo. Stat. § 25-13-107, including those portions going into inmate funds and mandatory savings.
- L. Piece Work Compensation:** *(For this policy only.)* Compensation paid on the basis of the quantity of work completed and approved by a Prison Industries Enhancement Certification Program Cost Accounting Center (PIECP-CAC).
- M. Prevailing Wage:** A wage rate not less than the rate paid for work of a similar nature in the locality in which the work is to be performed.



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- N. **Prison Industry Enhancement Certification Program (PIECP):** A program authorized under 18 USC § 1761(c) and administered by Wyoming State Prison Industries that requires certification by the Department of Justice, Bureau of Justice Assistance, of an inmate work program before goods produced through that program can be shipped in interstate commerce and meets the requirements of Wyo. Stat. §25-13-101, *et seq.*
- O. **Room and Board:** (*For this policy only.*) The amount of deduction paid to the prison industries account to offset costs of incarceration, including, but not limited to, the costs of food, health care, housing, and clothing.
- P. **Standard Occupational Classification:** The system used by federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data.
- Q. **Voluntary Employment:** (*For this policy only.*) All inmates employed with Correctional Industries and/or Prison Industries Enhancement Certification Program (PIECP) are employed voluntarily and may terminate employment at any time.
- R. **Work Week:** (*For this policy only.*) An inmate's work week shall consist of seven (7) consecutive days, beginning on Saturday and ending on Friday, except as otherwise designated by the Wyoming Department of Corrections.
- S. **Workers' Compensation Program:** A program administered on behalf of injured workers by the Wyoming Department of Workforce Services.

#### IV. PROCEDURE

##### A. General Provisions

1. The WDOC PIECP shall meet the requirements of Wyo. Stat. §25-13-101, *et seq.*, 18 USC §1761(c), and all other relevant law.
2. Any PIECP established by WDOC must be approved by the U.S. Department of Justice, Bureau of Justice Assistance prior to commencement of operations.
3. The WDOC recognizes the value of fully engaging inmates in productive work activities in order to assist inmates to successfully re-enter society with practical skills and a viable work ethic.
  - i. A PIECP can be distinguished from traditional inmate industries and from institutional work assignments. As such, it simply offers



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another option in providing inmate work opportunities. WDOC is not obligated to provide any PIECP. The establishment of such programs shall be at the sole discretion of WDOC.

**B. PIECP Certification/Selection Process**

1. The Correctional Industries Program Manager shall be responsible for the completion/approval of the Prison Industries Enhancement Certification Program (PIECP) Designation Kit prior to implementation of a new Cost Accounting Center (CAC).
2. Additional CACs require approval through the Bureau of Justice Assistance using a Notice of CAC Designation.
3. No PIECP CAC shall be initiated without the written approval of the WDOC Director.

**C. Inmate Applicability.** This Policy and Procedure applies only to inmates working on Prison Industries Enhancement Certification Programs (PIECP) when the goods manufactured will be transported in interstate commerce, except the inmates noted as follows:

1. Inmates participating in the production of agricultural commodities on WDOC owned/leased property or parts for the repair of farm machinery;
2. Inmates involved in the production of commodities intended for use by the federal government, the District of Columbia, any state or political subdivisions thereof, or not-for-profit organizations;
3. Inmates who produce goods solely for intrastate transport; and
4. Inmates on parole, supervised release, or probation.

**D. Inmate Compensation**

1. Inmates participating in a PIECP/CAC shall be paid compensation as established by the Wyoming Department of Workforce Services (WDWS).
2. In accordance with 18 USC § 1761, inmates participating in PIECP shall be paid compensation for actual work performed not less than the amount paid for work of a similar nature in the locality in which the work is to be performed.



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- i. In no case shall compensation paid be less than federal minimum wage.
  - ii. Inmates who work more than forty (40) hours per work week shall be paid compensation for additional hours worked at a rate equal to one and one half (1 ½) times their base hourly compensation rate.
  - iii. If approved by PIECP/CAC, WDOC may pay inmates piece work compensation for their participation in a particular PIECP.
    - a. Piece work compensation rate shall be determined and established by converting the piece work compensation to an hourly compensation equivalent.
    - b. Piece work compensation shall not result in the inmate drawing less than the equivalent to federal minimum wage for each hour worked regardless of the inmate's level of production nor less than one and one half (1 ½) times the equivalent to federal minimum wage for each hour worked in excess of a forty (40) hour work week regardless of the inmate's level of production.
3. Prior to implementation of a PIECP/CAC and establishment of the compensation rate, the Prison Industries Program Manager or designee shall request from the WDWS data regarding compensation paid for work of a similar nature to the PIECP/CAC in the locality in which the work is to be performed.
4. WDOC shall develop a full job description based on the dictionary of occupational titles (DOT) detailing the duties to be performed for each inmate position being considered.
  - i. Job descriptions shall be assigned to a standard occupational classification (SOC) code.
  - ii. Job descriptions and standard occupational classification (SOC) codes shall be submitted to WDWS for a determination of prevailing wage in the locality for that specific type of employment using standard occupational classifications as a guide.
  - iii. WDOC shall request WDWS to establish an entry level wage that is within the tenth percentile for that standard occupational code in that locality.



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- iv. WDOC shall work with the private entity partner to establish a wage plan, using data obtained from the WDWS for that occupational specialty, which provides for higher than entry level wages for inmates who obtain required work skills and/or continue to meet or exceed production expectations.
- v. The Correctional Industries Program Manager or designee shall request the WDWS to review and provide updated compensation data to WDOC on an annual basis.

**E. Labor Analysis**

- 1. Prior to implementation of a new PIECP/CAC, the Correctional Industries Program Manager shall submit a request to the WDWS to provide a written analysis of the potential impact the proposed project may have on private labor in the locality in which the project will be performed.
- 2. The Correctional Industries Program Manager shall avoid implementing a new PIECP/CAC that would result in significant displacement of employed workers, utilize skills or trades in which there is a surplus of available gainful labor in the locality, or impair existing private sector contacts for services.
- 3. Recommendations for the establishment of a new PIECP/CAC and the supporting documentation shall be reviewed by the Correctional Industries Advisory Board.

**F. Local Business and Labor Union Consultation**

- 1. Prior to implementing a new PIECP/CAC, the Correctional Industries Program Manager shall consult with representatives of local businesses and local union central bodies or similar labor organizations that would potentially be directly affected by the project, if such organizations exist in the locality.
- 2. The Correctional Industries Program Manager shall:
  - i. Provide a notice of intent to the local Chamber of Commerce, appropriate trade organizations and appropriate local labor union central bodies or similar labor organizations, requesting comments, concerns, recommendations and names of private businesses and local labor organizations potentially affected by the project;
    - a. The notice of intent shall include a general description of the PIECP/CAC, a description of the project location, the



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type and quantity of goods to be produced, the number of inmates expected to be employed, the potential market for the goods, the project initiation date, and an explanation federal law requires this consultation;

- ii. Maintain a file of all replies and WDOC responses, if applicable, and submit them to the Correctional Industries Advisory Board and the Director for their consideration prior to final approval of the new PIECP/CAC.

3. Distribution of gross wages earned by inmates employed in a PIECP shall be in accordance with Wyo. Stat. §25-13-107 and deductions taken in the order listed within that statute.
4. Distribution of the inmate's portion of gross wages earned in a PIECP shall be in accordance with Wyo. Stat. §7-16-205.

**G. Conditions of Inmate Participation in the PIECP**

1. Inmate participation in a PIECP is voluntary.
2. Prior to acceptance for participation in PIECP, all inmate applicants shall review and sign WDOC Form #516, *Wyoming Correctional Industries Voluntary Work Agreement*, indicating the intent to voluntarily participate in the work project and acknowledging consent to WDOC's PIECP requirements, including the compensation disposition procedure set forth in this policy.
3. The inmate shall be informed of the distribution of gross wages earned by inmates employed in a PIECP and shall agree to such prior to employment in the program.

**H. Inmate Wage Deductions.** The compensation of an inmate employed with a PIECP/CAC shall be surrendered to the department and shall be distributed in the following order:

1. Fifteen (15%) percent of the inmate's gross compensation under the program to the inmate's personal savings account within the correctional facility's trust and agency account, until the inmate's account has a balance of up to two thousand five hundred dollars (\$2,500.00). Once the inmate's personal savings account balance reaches two thousand five hundred dollars (\$2,500), this fifteen percent (15%) shall be distributed to the inmate as provided by Wyo. Stat. § 7-16-205(a). Funds in the inmate's personal savings account shall be paid to the inmate upon parole or final discharge.





2. Twenty percent (20%) of the inmate's gross compensation under the program to be distributed to the inmate as provided by Wyo. Stat. § 7-16-205(a).
  3. Deduction for federal income taxes, Medicaid and social security appropriate to the gross amount of the inmate's compensation under the program.
  4. If the inmate is not obligated to pay child support, the remaining amount to the correctional industries account pursuant to Wyo. Stat. § 25-13-103 (a), to reduce the cost otherwise associated with providing the inmate with room and board.
  5. If the inmate is obligated for existing child support obligations, pursuant to the state statute or court order, including all support obligations issued pursuant to Wyo. Stat. § 20-2-102, the remainder of the inmate's compensation under the program, shall be distributed toward the child support obligation up to the amount ordered. If the existing child support obligation is less than the remainder of the inmate's compensation under the program, the difference between the actual amount of the child support obligation and the remainder of the inmate's compensation under the program shall be distributed to the correctional industries account pursuant to Wyo. Stat. § 25-13-103(a), to reduce the cost otherwise associated with providing the inmate with room and board.
  6. WDOC shall provide all inmates employed with the forms necessary for the filing of a petition for support under Wyo. Stat. § 20-2-102 and shall honor new or existing court orders for support up to the amount ordered, including those orders issued pursuant to a petition for support filled under Wyo. Stat. § 20-2-102.
- I. Worker's Compensation Eligibility.** Inmates participating in a PIECP who are injured on the job in a work-related incident may receive benefits under the Workers' Compensation program for non-state provided medical expenses in accordance with WDWS guidelines. Inmates who have continuing work-related disabilities may be eligible for disability benefits following release from incarceration only.
- J. Reporting Requirements.** The Correctional Industries Program Manager, in conjunction with the Central Services Division Administrator of WDOC, shall:
- i. Ensure the reporting requirements of the PIECP are met as required by applicable federal and state law and this policy;



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- ii. Establish a schedule for the payment of all deductions from gross wages including crime victims compensation, family support, correctional industries and mandatory saving;
- iii. Ensure inmates will receive a monthly summary of the previous month's payroll information;
- iv. Administer the inmate's savings account and reconciliation of all detailed balances to the savings accounts totals;
- v. Ensure all reporting requirements regarding PIECP are made to the Department of Justice, Bureau of Justice Assistance; and
- vi. Determine the method of accounting and maintenance of all records regarding PIECP. Records shall be made available for review or audit by state and federal entities.

#### **V. TRAINING POINTS**

- A. Which inmates are covered by this policy?
- B. What is the minimum rate of compensation for inmates working in a PIECP-CAC less than forty (40) hours per week? What is the minimum rate of compensation for inmates working in a PIECP-CAC more than forty (40) hours per week?
- C. Which inmate work assignments require a position description?
- D. How is the prevailing wage for a particular assignment determined?
- E. Is inmate participation in this program voluntary? If so, how can an inmate resign from the program?
- F. Can inmates who work in a PIECP-CAC be charged for room and board?